

Counsel listed on last page.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re EXPRESS MOBILE CASES

Case No. 3:19-cv-06559-RS
3:20-cv-06152-RS
3:20-cv-08297-RS
3:20-cv-08321-RS
3:20-cv-08335-RS
3:20-cv-08339-RS
3:20-cv-08461-RS
3:20-cv-08491-RS
3:20-cv-08492-RS
3:21-cv-01145-RS
3:21-cv-02001-RS

**STIPULATION AND [PROPOSED] ORDER
REGARDING EXTENSION TO BRIEFING
ON PLAINTIFF EXPRESS MOBILE, INC.'S
ADMINISTRATIVE MOTION TO LIFT THE
STAY OF CLAIM CONSTRUCTION AS TO
THE '397 AND '168 PATENTS**

Judge: Honorable Richard Seeborg

Pursuant to Civil Local Rule 6-2 and 7-12, Plaintiff Express Mobile, Inc. (“Plaintiff” or “Express Mobile”) and Defendants listed below (collectively “Defendants”) hereby submit this Stipulation to adjust the briefing schedule set for Plaintiff’s Administrative Motion to Lift the Stay of Claim Construction as to the ’397 and ’168 Patents filed on August 27, 2021 (“Motion”). Defendants’ Opposition to Plaintiff’s Administrative Motion (“Opposition”) is currently due on August 31, 2021.

The parties have stipulated to request that the deadline for Defendants to file their Opposition be extended from August 31, 2021 to September 3, 2021. In support of the parties’ stipulated request, the parties submit the contemporaneously filed declaration of Adam R. Brausa, which sets forth the following facts:

1. The current deadline for Defendants’ Opposition is August 31, 2021.
2. The parties have conferred and jointly agree to the requested extensions.
3. The stipulated and requested change will only alter the deadline with respect to the Opposition. It will not alter any event or deadline set forth in the Court’s Further Case Management Scheduling Order (ECF No. 71) or any other event or deadline in the case.

IT IS SO STIPULATED.

Dated: August 31, 2021

Respectfully submitted,

/s/ James R. Nutall

/s/ Adam R. Brausa

Jamie L. Lucia (SBN 246163)
 STEPTOE & JOHNSON LLP
 One Market Plaza
 Spear Tower, Suite 3900
 San Francisco, CA 94105
 Telephone: (415) 365-6700
 Facsimile: (415) 365-6699
 jlucia@steptoe.com

Timothy C. Saulsbury (SBN 281434)
 tsaulsbury@durietangri.com
 Adam R. Brausa (SBN 298754)
 abrausa@durietangri.com
 Vera Ranieri (SBN 271594)
 vranieri@durietangri.com
 Raghav R. Krishnapriyan (SBN 273411)
 rkrishnapriyan@durietangri.com
 Eric C. Wiener (SBN 325012)
 ewiener@durietangri.com
 217 Leidesdorff Street
 San Francisco, CA 94111
 Telephone: 415-362-6666
 Facsimile: 415-236-6300

James R. Nuttall (admitted pro hac vice)
 Michael Dockterman (admitted pro hac vice)
 Tron Fu (admitted pro hac vice)
 Robert F. Kappers (admitted pro hac vice)
 Katherine H. Johnson (admitted pro hac vice)
 STEPTOE & JOHNSON LLP
 227 West Monroe Street, Suite 4700
 Chicago, IL 60606
 Telephone: (312) 577-1300
 Facsimile: (312) 577-1370

*Attorneys for Defendants
 Wix.com, Ltd., Wix.com, Inc., and Pinterest, Inc.*

jnuttall@steptoe.com
 mdokterman@steptoe.com
 tfu@steptoe.com
 rkappers@steptoe.com
 kjohnson@steptoe.com
 Christopher A. Suarez (admitted pro hac vice)
 STEPTOE & JOHNSON LLP
 1330 Connecticut Ave., NW
 Washington, DC 20036
 Telephone: (202) 429-3000
 Facsimile: (202) 429-3902
 csuarez@steptoe.com

Timothy Devlin (admitted pro hac vice)
 DEVLIN LAW FIRM LLC
 1526 Gilpin Avenue
 Wilmington, Delaware 19806
 Telephone: (302) 449-9010
 Facsimile: (302) 353-4251
 tdevlin@devlinlawfirm.com

/s/ Robert F. Kramer
 Robert F. Kramer (SBN 181706)
 rkramer@feinday.com
 M. Elizabeth Day (SBN 177125)
 eday@feinday.com
 David Alberti (SBN 220625)
 dalberti@feinday.com
 Sal Lim (SBN 211836)
 slim@feinday.com
 Russell Tonkovich (SBN 233280)
 rtonkovich@feinday.com
 Marc Belloli (SBN 244290)
 mbelloli@feinday.com
 FEINBERG DAY KRAMER ALBERTI
 LIM TONKOVICH & BELLOLI LLP
 577 Airport Boulevard, Suite 250
 Burlingame, California 94010
 Telephone: (650) 618-4300
 Facsimile: (650) 618-4368

/s/ Steven F. Molo
 Steven F. Molo (*pro hac vice*)
 Benoit Quarmby (*pro hac vice*)
 Leonid Grinberg (*pro hac vice*)
 MOLOLAMKEN LLP
 430 Park Avenue

/s/ Jeremy J. Taylor
 PETER H. KANG (SBN 158101)
 peter.kang@bakerbotts.com
 JEREMY J. TAYLOR (SBN 249075)
 jeremy.taylor@bakerbotts.com
 KATHERINE A. BURGESS (SBN 330480)
 katherine.burgess@bakerbotts.com
 BAKER BOTTS L.L.P.
 101 California Street, Suite 3600
 San Francisco, CA 94111
 Tel: (415) 291-6200
 Fax: (415) 291-6300

BAILEY MORGAN WATKINS (*pro hac vice*)
 bailey.watkins@bakerbotts.com
 BAKER BOTTS L.L.P.
 98 San Jacinto Blvd., Suite 1500
 Austin, TX 78701
 Tel: (512) 322-2500
 Fax: (512) 322-2501

*Attorneys for Defendants, BOOKING.COM, B.V.,
 PRICELINE.COM LLC, AGODA COMPANY PTE. LTD.,
 and OPENTABLE, INC.*

/s/ Irene Yang
 Michael J. Bettinger (SBN 122196)
 mbettinger@sidley.com
 Irene Yang (SBN 245464)
 irene.yang@sidley.com
 Sue Wang (SBN 286247)
 sue.wang@sidley.com
 Saurabh Prabhakar (SBN 300891)
 sprabhakar@sidley.com
 Sidley Austin LLP
 555 California Street, Suite 2000
 San Francisco, CA 94104-1715
 Telephone: (415) 772-1200
 Facsimile: (415) 772-7400

Richard A. Cederoth (*pro hac vice*)
 rcederoth@sidley.com
 SIDLEY AUSTIN LLP
 One South Dearborn
 Chicago, Illinois 60603
 Telephone: (312) 853-7000
 Facsimile: (312) 853-7036

New York, NY 10022
Telephone: (212) 607-8160
Facsimile: (212) 607-8161
smolo@mololamken.com
bquarmby@mololamken.com
lgrinberg@mololamken.com

Sarah J Newman (*pro hac vice*)
MOLOLAMKEN LLP
600 New Hampshire Ave., NW, Suite 500
Washington, DC 20037
Telephone: (202) 556-2000
Facsimile: (202) 556-2001
snewman@mololamken.com

Stuart George Gross
George Alexander Croton
Timothy Sward Kline
GROSS & KLEIN, LLP
The Embarcadero
Pier 9, Suite 100
San Francisco, CA 94111
Telephone: (415) 671-4628
Facsimile: (415) 480-6688
sgross@grosskleinlaw.com
gcroton@grosskleinlaw.com
tk@grosskleinlaw.com

/s/ Scott W. Hejny
Steven J. Rizzi (admitted *pro hac vice*)
srizzi@mckoolsmith.com
Ramy Hanna (admitted *pro hac vice*)
rhanna@mckoolsmith.com
MCKOOL SMITH, P.C.
One Manhattan West
395 9th Avenue, 50th Floor
New York, NY 10001
Telephone: (212) 402-9400

Scott W. Hejny (admitted *pro hac vice*)
shejny@mckoolsmith.com
MCKOOL SMITH, P.C.
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Christopher P. McNett (SBN 298893)
cmcnett@mckoolsmith.com

Michael L. Roberts (*pro hac vice*)
mlroberts@sidley.com
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, Texas 75201
Telephone: (214) 981-3300
Facsimile: (214) 981-3400

*Attorneys for Defendants Microsoft Corporation,
LinkedIn Corporation, Dropbox, Inc., Adobe Inc., and
X.Commerce Inc. d/b/a Magento Inc.*

/s/ Ross R. Barton
Michael J. Newton (SBN 156225)
Katherine G. Rubschlager (SBN 328100)
Email: mike.newton@alston.com
katherine.rubschlager@alston.com
ALSTON & BIRD LLP
1950 University Avenue, Suite 430
East Palo Alto, CA 94303
T: 650-838-2000
F: 650-838-2001

Ross R. Barton (admitted *pro hac vice*)
Email: ross.barton@alston.com
ALSTON & BIRD LLP
101 South Tryon Street
Bank of America Plaza
Suite 4000
Charlotte, NC 28280
T: 704-444-1000
F: 704-444-1111

Attorneys for Defendant Oath Holdings, Inc.

/s/ James L. Davis, Jr.
James R. Batchelder (CSB # 136347)
James L. Davis, Jr. (CSB # 304830)
ROPES & GRAY LLP
1900 University Ave. 6th Floor
East Palo Alto, CA 94303-2284
Tel.: (650) 617-4000
Fax: (650) 617-4090
James.Batchelder@ropesgray.com
James.L.Davis@ropesgray.com

MCKOOL SMITH, P.C.
1717 K St. NW, Suite 900
Washington, DC 20006
Telephone: (212) 402-9841
Kirk D. Dillman (SBN 110486)
kdillman@mckoolsmithhennigan.com
Alan P. Block (SBN 143783)
ablock@mckoolsmithhennigan.com
MCKOOL SMITH HENNIGAN, P.C.
300 South Grand Avenue, Suite 2900
Los Angeles, California 90071
Telephone: (213) 694-1200

Counsel for Plaintiff Express Mobile, Inc.

Lance W. Shapiro (*pro hac vice*)
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036-8704
Tel.: (212) 596-9000
Fax: (212) 596-9090
Lance.Shapiro@ropesgray.com

*Attorneys for Defendants SAP SE; SAP America, Inc.;
and SAP Labs, LLC*

/s/ Ryan J. Casamiquela
Michael A. Berta (SBN 194650)
Ryan J. Casamiquela (SBN 228559)
ARNOLD & PORTER
KAYE SCHOLER LLP
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111
Telephone: (415) 471-3100
Facsimile: (415) 471-3400
michael.bera@arnoldporter.com
ryan.casamiquela@arnoldporter.com

Nicholas Lee (SBN 259588)
ARNOLD & PORTER
KAYE SCHOLER LLP
777 S Figueroa St, 44th Floor
Los Angeles, CA 90017-5844
Telephone: (213) 243-4000
Facsimile: (213) 243-4199
nicholas.lee@arnoldporter.com

*Attorneys for Defendants Adobe Inc. & X.Commerce Inc.
d/b/a Magento Inc.*

/s/ Albert J. Rugo
J. David Hadden (SBN 176148)
dhadden@fenwick.com
Saina S. Shamilov (SBN 215636)
sshamilov@fenwick.com
Todd R. Gregorian (SBN 236096)
tgregorian@fenwick.com
Rebecca A.E. Fewkes (SBN 209168)
rfewkes@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500

Facsimile: 650.938.5200

Todd R. Gregorian (SBN 236096)
tgregorian@fenwick.com
Jessica L. Benzler (SBN 306164)
jbenzler@fenwick.com
M. Conner Hutchisson (SBN 327872)
chutchisson@fenwick.com
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: 415.875.2300
Facsimile: 415.281.1350

Albert J. Rugo (SBN 306134)
arugo@fenwick.com
FENWICK & WEST LLP
1191 Second Avenue, 10th Floor
Seattle, WA 98101
Telephone: 206.913.4309
Facsimile: 206.389.4511

Attorneys for Defendants
SLACK TECHNOLOGIES, INC., AMAZON.COM, INC.,
SALESFORCE.COM, INC.

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Ryan J. Casamiquela, attest that concurrence in the filing of this document has been obtained.

Dated: August 31, 2021

/s/ Ryan J. Casamiquela
Ryan J. Casamiquela

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED AS FOLLOWS:

The deadline for Defendants to file their Opposition is extended from August 31, 2021 to September 3, 2021

Dated: August 31, 2021



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE